

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.

2006 APR 14 PM 4:03

CLERK
U.S. DISTRICT COURT
SAVANNAH DIV.

WILLIAM ALDRICH SANCOMB,

Plaintiff,

v.

Case No. CV606-30

WARDEN HUGH SMITH, et. al.,

Defendants.

REPORT AND RECOMMENDATION

Plaintiff has filed a complaint under 42 U.S.C. § 1983 and an application to proceed *in forma pauperis*. The Court conditionally granted plaintiff leave to proceed *in forma pauperis* but gave plaintiff the opportunity to voluntarily dismiss his complaint without prejudice and without incurring liability for paying the complete filing fee. Doc. 3. Plaintiff has communicated to the Court in a handwritten letter that he wishes to voluntarily dismiss his complaint. Plaintiff acknowledges that his complaint will likely be subject to dismissal for failure to exhaust state

remedies.¹ Accordingly, plaintiff's complaint should be **DISMISSED** without prejudice.

SO REPORTED AND RECOMMENDED this 14th day of April, 2006.


UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA

¹Plaintiff also asks the Court to return his complaint in this case to him because he went to great expense to make copies for the Court. Once filed, a complaint becomes a public record that must be maintained by the Clerk, and thus the fact that plaintiff is seeking the voluntary dismissal of his complaint does not entitle him to its return. Plaintiff is advised that copies of Court documents are available for \$0.50 per page by contacting the Clerk's Office.